

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 3811 (S/S) 2001
(Old no. 16732 of 1997)

Nazir Uddin S/o Sri Ikarm Uddin
Resident of village Nasirpur Sheik,
Post Chandpur, District Bijnore,
At present posted as Survey Kanoongo,
Survey Unit, Dehradun.

..... Petitioner.

Versus

1. State of U.P., through Finance Secretary,
Govt. of U.P., Sachivalaya, Lucknow,
 2. The Board of Revenue, U.P., Lucknow,
Through its Secretary,
 3. The Records Officer, Dehradun,
 4. The Assistant Record Officer, Dehradun,
 5. The Record Officer/Addl. District Magistrate,
Sonebhadra, Kaimur Survey Settlement Agency,
Chopan Road, Obra, Sonbhadra,
 6. The Commissioner/ Record Officer/
Addl. District Magistrate,
Sonebhadra, Kaimur Survey Settlement Agency,
Chopan Road, Obra Sonabhadra, ...
- Respondents.

Sri L.K. Verma, learned Counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for State,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Narian, Adv. holding brief of Sri L.K. Verma, learned Counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State,

By means of this writ petition, the petitioner has prayed for the following reliefs:-

- I. Issue a writ, order or direction in the nature of certiorari quashing impugned order dated 7.5.1997 (annexure no. 18) passed by the respondent no. 3,
- II. Issue a writ, order or direction in the nature of mandamus directing the respondent not to give effect

to the impugned order dated 7.5.1997 (annexure no. 18) passed by the respondent no.3,

- iii. Issue a writ, order or direction in the nature of mandamus directing the respondents to allow the petitioner to continue on the post of Survey Naib Tehsildar in the office of the respondent no. 3, i.e. the Record Officer, Dehradun,
- iv. Issue a writ, order or direction in the nature of mandamus commanding the respondents to reinstate the petitioner as Survey Naib Tehsildar as has been directed by this Hon'ble Court vide order dated 14.09.1993 (annexure no. 7 of the writ petition),
- v. Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay the salary of the petitioner due and payable to him regularly,
- vi. Issue a writ, order or direction in the nature of mandamus commanding the respondents to promote the petitioner as Survey Naib Tehsildar forthwith,
- vii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to decide the representation of the petitioner dated 9.5.1997 (annexure no.20) within a reasonable time,
- viii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,
- ix. To award the cost of the petition to the petitioner.

During the course of argument, learned counsel for the petitioner Sri Gopal Narain has submitted that he does not want to press any of the prayer except prayer no. 6 & 7 made in the writ petition as the petitioner has already been retired on

31.12.2006 as Officiating Survey Naib Tehsildar. The stand of the petitioner is that he was entitled to be promoted for which he has already made representation before the Member, Board of Revenue, U.P. Lucknow on 09.05.1997 which is annexure no. 20 to the writ petition, however the same has yet not been decided by the respondent. The petitioner would have been given notional promotion after retirement.

In the circumstances, the petitioner is directed to make representation raising all his grievances before the Chief Revenue Commissioner, Dehradun within a period of three weeks and the Chief Revenue Commissioner is directed to take decision on the representation of the petitioner within a period of two weeks from the date of production of a certified copy of this order alongwith the representation, if any moved by the petitioner.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghilidyal, J.)

February 23, 2007:

NCM: